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In re the application of)

KLEMM et al.)

Art Unit: 1775

Serial No. 09/640,092)

Examiner: BAHTA

Filing or 371(c) Date: August 17, 2000)

For: COVER PLATE FOR HOUSEHOLD DEVICES

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APPEAL BRIEF

This Appeal Brief is filed in reply to the Notification of Non-Compliant Appeal Brief of
July 12, 2005.

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Respectfully submitted,
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(1) Real Party in Interest

The real party in interest is Basell Polyolefine GmbH, Germany.

(2) Related Appeals and Interferences

To the best of the undersigned's knowledge, there are no related appeals or interferences within the meaning of 37 CFR 1.192(c).

(3) Status of Claims

Claims 1-4, 6-13 and 15-21 are pending. Claims 12-13 and 15-18 are withdrawn from consideration. Claims 1-4, 6-11 and 19-21 are before the Board. A copy of these claims is appended hereto.

(4) Status of Amendments

Applicants last amended the claims on June 22, 2004. No amendments under 37 CFR 1.116 have been filed.

(5) Summary of Claimed Subject Matter

As set out in the claims, the instant invention relates to a cover plate for household devices. With reference to Figures 1 and 2 of the specification, the cover plate has a reinforcer (3) with the structure of a sheet, box or crate and having a closed lower side (claim 1). The reinforcer is welded at a weld surface (4) to a decorative part (1,2). The reinforcer and decorative part are preferably composed of a thermoplastic (claims 4, 11, 19), in particular polypropylene (claim 20). In a preferred embodiment of the invention, the decorative part is a composite material comprising a decorative layer (2) and a heat cured layer, both sitting on a support layer (1) of polypropylene (specification page 9, lines 1 to 5). In another preferred embodiment, the

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cover plate has a box- or crate-type structure, which may be imparted by the box- or crate-type structure of the reinforcer (claim 6), or by the combination of the reinforcer and decorative part when welded together (claim 21).

(6) Grounds of Rejection to be Reviewed on Appeal

At issue is whether claims 1-4, 6-11 and 19-21 are patentable over Meier et al. (US 5,830,552), within the meaning of 35 U.S.C. 103(a).

(7) Argument

Claims 1-11 and 13-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al. (US 5,830,552).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all of the claim limitations. MPEP 2143; 35 U.S.C. 103; *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Meier et al. teaches a connection between a core plate, made of wood, and a cover plate by means of mould clamps. The wood is thereby connected with the coating material with some kind of mechanical clamping at the edges.

The present invention differs from Meier et al. in the kind of connection, the chemical composition of the materials to be connected, and the structure of the cover plate.

Claim 1-3, 7-10:

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In the instant invention, there is a strong and intimate connection between the decorative part and the reinforcer which are welded together. In a preferred embodiment of the invention, the decorative part is a composite material comprising a decorative layer and a heat cured layer. Such a construction advantageously yields a cover plate with high strength and stability and is easy to produce (specification page 11, lines 1-8). While Meier et al. may disclose welding on legs or edging, said reference does not specifically teach or suggest welding a decorative part directly to a reinforcer.

Claims 4, 11:

Furthermore, the parts of the cover plate are preferably composed of a thermoplastic (claims 4, 11). This feature facilitates welding of the parts together to form sturdy cover plate, and is not taught or suggested by the cited art. See, e.g., *In re Scott* (323 F.2d 1016, 139 USPQ 297 (CCPA 1963) (components which are functionally or mechanically equivalent are not necessarily obvious in view of one another; light wood or hardened foam resin does not fairly suggest paper).

Claim 19:

In particular the reinforcer and support of the decorative part are composed of the same thermoplastic (claim 19). This feature facilitates welding of the parts together to form sturdy cover plate, and is not taught or suggested by the cited art.

Claims 20:

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Especially, the reinforcer and support of the decorative part are composed of polypropylene (claim 20). This feature facilitates welding of the parts together to form sturdy cover plate, and is not taught or suggested by the cited art.

Claims 6, 21:

Additionally, the cover plate of the present invention has a box- or crate-type structure, which may be imparted by the box- or crate-type structure of the reinforcer (claim 6), or by the combination of the reinforcer and decorative part when welded together (claim 21). This construction advantageously allows for ease of production as the reinforcer and decorative part need be welded together over only a small area of contact, and also leads to a cover plate which is light weight and strong. It would not have been obvious to design the cover plate as a box or crate depending on the shape of the household device for which the cover plate is intended. To the contrary, the household device does not fit inside the cover plate, but rather the cover plate fits on the household device, and thus the shape of the household device would not dictate using the hollow box or crate construction as claimed and depicted in the Figures of the specification.

Therefore, the present invention would not have been obvious in view the Meier et al. and the Examiner should be reversed.

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(8) Claims Appendix

1. A cover plate for household devices, comprising a decorative part and a reinforcer with integrated, molded-on functional elements, where the reinforcer has the structure of a sheet or box or crate and has a closed lower side, and where the reinforcer is welded to the decorative part.
2. A cover plate as claimed in claim 1, where the decorative part is composed of a support, of a decorative layer applied thereto, and of a heat-cured layer situated on the decorative layer and where the reinforcer is welded to the support of the decorative part.
3. A cover plate as claimed in claim 2, where the decorative part also has an intermediate layer between the support and the decorative layer.
4. A cover plate as claimed in claim 2, where the support is composed of a thermoplastic.
5. (canceled)
6. A cover plate as claimed in claim 1, where the reinforcer has the structure of a box or crate.
7. A cover plate as claimed in claim 1, where the reinforcer also has ribs.
8. A cover plate as claimed in claim 1, where the integrated, molded-on functional element comprises a dispenser box.
9. A cover plate as claimed in claim 1, where the integrated, molded-on functional element comprises a condensation box.
10. A cover plate as claimed in claim 1, where the integrated, molded-on functional element has an apparatus for an integrated water duct.

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11. A cover plate as claimed in claim 1, where the reinforcer is composed of thermoplastic.
12. A process for producing a cover plate as claimed in claim 1, which comprises firstly securing integrated, molded-on functional elements to the reinforcer and then bonding the reinforcer to the decorative part by welding.
13. A method of connecting a cover plate as claimed in claim 1 to a household device, which method comprises firstly molding the integrated functional elements onto the reinforcer, bonding the reinforcer to the decorative part, and then fastening the functional elements to the household device.
14. (canceled)
15. A method as claimed in claim 13, wherein the household device is a dryer.
16. A method as claimed in claim 13, wherein the household device is a washing machine.
17. A method as claimed in claim 13, wherein the household device is a dishwasher.
18. A method as claimed in claim 13, wherein the functional elements are screw domes, clips or snap connectors.
19. A cover plate as claimed in claim 4, where the reinforcer is composed of the same thermoplastic as the support.
20. A cover plate as claimed in claim 19, where the thermoplastic is polypropylene.
21. A cover plate as claimed in claim 1, where the reinforcer and the support collectively form a closed box- or crate-type component.

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(9) *Evidence Appendix*

None.

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(10) *Related Proceeding Appendix*

None.

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